

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

VS.

CAROL A. FRAZIER,

Defendant.

8:02CR49

ORDER

This matter is before the court on the motion for an extension of time by defendant Carol A. Frazier (Frazier) (Filing No. 12). Frazier seeks until January 2, 2008, in which to file pretrial motions in accordance with the progression order (Filing No. 7). Frazier's counsel represents that Frazier will file an affidavit wherein she consents to the motion and acknowledges she understands the additional time may be excludable time for the purposes of the Speedy Trial Act. Upon consideration, the motion will be granted.

IT IS ORDERED:

Defendant Frazier's motion for an extension of time (Filing No. 12) is granted. Frazier is given until **on or before January 2, 2008**, in which to file pretrial motions pursuant to the progression order. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **November 13, 2007 and January 2, 2008**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason defendant's counsel requires additional time to adequately prepare the case, taking into consideration due diligence of counsel, and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

DATED this 13th day of November, 2007.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge